

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12479 MEL

**FALKEN INDUSTRIES, LTD. and
ROY JANIS,**

Plaintiffs,

v.

**CHRISTIAN JOHANSEN and
PATRICK SAUTIN,**

Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO FILE CERTIFICATE OF NATIONALITY
IN SUPPORT OF THEIR OPPOSITION TO PLAINTIFFS' MOTION FOR REMAND**

Defendants Christian Johansen and Patrick Sautin, through their undersigned counsel, respectfully move for leave to file Patrick Sautin's Certificate of Nationality in opposition to Plaintiffs' motion to remand. As stated in Defendants' Opposition brief, the French Government officially and formally recognizes a citizen as being French by issuance of a Certificat de Nationalite Française. Patrick Sautin applied for his Certificat de Nationalite Française in response to Plaintiffs' motion for remand. Defendants wish to supplement the record with Patrick Sautin's Certificat de Nationalite Française in which the Tribunal D'Instance of the French Ministère de la Justice formally recognizes that Mr. Sautin is French. See Second Supplemental Declaration of Patrick Sautin, attached as Exhibit 1.

WHEREFORE, Defendants respectfully request that the Court grant Defendants' Motion for Leave to File.

Dated: February 28, 2005

Respectfully submitted,
DEFENDANTS CHRISTIAN JOHANSEN
AND PATRICK SAUTIN

By their attorneys,

OF COUNSEL:

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/s/ Kurt B. Fliegauf
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Kurt B. Fliegauf, Esq. (BBO #564329)
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CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that prior to filing this motion he attempted to contact plaintiff's counsel in a good faith attempt to resolve or narrow the issues that are the subject of this motion. Attorney Stewart spoke with Attorney Furbush on February 25, 2005, and was informed that Attorney Cellai was on vacation, and therefore could not determine whether plaintiff will assent or oppose this motion. The undersigned counsel then called Attorney Furbush on February 28, 2005 to inform him that defendants would not wait for Attorney Cellai to return from vacation, and intended to file the motion today.

/s/ Kurt B. Fliegauf
Kurt B. Fliegauf
Attorney for Defendants
Christian Johansen & Patrick Sautin

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following counsel of record on this the 28th day of February, 2005, via U.S. Mail, postage pre-paid:

Carlo Cellai, Esq.
76 Canal Street, Suite 402
Boston, MA 02114
Attorneys for Plaintiff

/s/ Kurt B. Fliegauf
Kurt B. Fliegauf
Attorney for Defendants
Christian Johansen & Patrick Sautin

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

**FALKEN INDUSTRIES, LTD. AND ROY
JANIS,**

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v.

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SAUTIN,**

Defendants.

Civil Action No. 04-12479 MEL

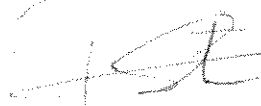
**SECOND SUPPLEMENTAL DECLARATION OF PATRICK SAUTIN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO REMAND**

I, Patrick Sautin, do hereby declare as follows:

1. I am over the age of twenty-one and I am competent to give the testimony contained in this declaration.
2. Attached to this Supplemental Declaration as Exhibit A is a true and correct copy of my official Certificate of Nationality ("Certificat de Nationalité Française") from the French Tribunal D'Instance.

Under the laws of perjury of the United States of America, I do hereby declare that the foregoing is true and correct.

Dated this 25th day of February, 2005.



Patrick Sautin

TRIBUNAL D'INSTANCE
6, place Gambetta
75020 PARIS

CERTIFICAT DE NATIONALITE FRANCAISE

N° de Dossier : CNF 81/2005

N° de certificat : CNF 68/2005

Le Greffier en chef certifie sur le vu des pièces suivantes :

Acte de naissance de l'intéressé(e) (copie intégrale)
Acte de naissance du père de l'intéressé(e) (copie intégrale)
Livret de famille de l'intéressé(e)
Livret de famille des parents de l'intéressé(e)
Passeport de l'intéressé(e)
Consultation du serveur "Telnat" le 26/1/2005
Justificatif de domicile

que **Patrick Timothee SAUTIN**

demeurant à 107, Cours de Vincennes 75020 PARIS

Né le 13/5/1974 à Martigues, Bouches-du-Rhône, FRANCE

de SAUTIN Jean François Maurice

né le 26/10/1947 à Neuilly Sur Seine, Hauts-de-Seine, FRANCE

et de O'BRIEN Sara Jane

née le 28/9/1951 à Milwaukee, Wisconsin, ETATS UNIS D'AMERIQUE

est français en application des dispositions de l'article 19-3 du code civil.

En effet, la filiation de l'intéressé, né en France, est établie à l'égard d'un parent lui-même né en France.

Il a été vérifié que l'intéressé n'a pas exercé la faculté de répudier la qualité de Français en application de l'article 19-4 du code civil.

Il a également été vérifié qu'il n'a pas été libéré de ses liens d'allégeance à l'égard de la France (article 23-4 du code civil).

Le 26 janvier 2005

NOM DU GREFFIER EN CHEF
Mme MECHICHE

SCEAU ET SIGNATURE

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